



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 7, 2024


**BY ECF & EMAIL**

The Honorable Jennifer L. Rochon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Motion GRANTED. In light of the extended pretrial deadlines, the Final Pretrial Conference is adjourned from February 5, 2024 to **February 9, 2024 at 10:00 a.m.**

Dated: January 8, 2024  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge

Re: ***United States v. Juan Arellano, et al.,***  
**22 Cr. 551 (JLR)**

Dear Judge Rochon:

The Government writes on behalf of all trial parties respectfully to request that the Court adjourn the current pre-trial schedule by one week. The requested adjournment would not move the trial date.

As the Court is aware, in May of last year, the Court issued a scheduling order requiring: (1) the Government to file its motions *in limine*, Rule 404(b) notices, and exhibit and witness lists, and the parties to file their joint proposed *voir dire*, requests to charge, and verdict form by January 11, 2024; (2) the defendants to file their responses to the Government's motions, their own motions *in limine*, and their exhibit and witness lists by January 18, 2024; and (3) the Government to respond to the defendants' motions *in limine* by January 23, 2024. (Docket Entry 86 at 1–2). The Court also scheduled a final pre-trial conference for February 5, 2024, and trial for one week later, on February 12, 2024. (*Id.*).

Since the Court entered that scheduling order:

- due to guilty pleas, only three trial defendants—Juan Arellano, David Brend, and Gustavo Rodriguez—remain in the case;
- on October 18, 2023, Edward Sapone, Esq., appeared on behalf of Rodriguez, and, two days later, this Court relieved Rodriguez's prior counsel (Docket Entries 97, 99);

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- Rostislav Kofman, Esq.—counsel for Brend—recently informed the Government that Brend retained Patrick Joyce, Esq., as trial counsel, and Mr. Joyce filed a notice of appearance today;
- James Neuman, Esq.—counsel for Arellano—has been on trial before the Honorable Andrew L. Carter, Jr., which trial ended on January 5, 2024;
- the Court adjourned the trial in this matter to February 28, 2024 (Docket Entry 107); and
- the parties have continued to engage in discussions about potential pre-trial dispositions.

Additionally, all counsel have been discussing various potential means to streamline the trial—such as stipulations in principle or evidentiary or legal issues upon which the parties can agree—which could potentially reduce the number of motions *in limine* filed in the case and/or reduce the length of the trial.

In light of the adjourned trial date, the relatively recent entry of certain trial counsel to the case, the benefit to the Court of allowing discussions that may moot certain issues and streamline the trial, and the possibility that one or more trial defendants will dispose of their case, the parties respectfully request that this Court's pre-trial schedule be adjourned by one week. The proposed schedule would be:

**January 18, 2024:** The Government shall file any motions *in limine*, any Rule 404(b) notices, and its exhibit and witness list.

In addition, the parties shall jointly file their proposed *voir dire*, requests to charge, and verdict form in accordance with the Court's Individual Rules.

**January 25, 2024:** Defendants shall file responses to the Government's motion(s) and their own motions *in limine*, if any. In addition, to the extent that Defendants intend to put on their own case-in-chief, they shall also file their exhibits lists and witness lists at this time.

**January 30, 2024:** The Government shall file a response to Defendants' motion(s) *in limine*, if any.

The parties can appear on February 5, 2024, for the final pretrial conference as currently scheduled, or on a later date, if the Court prefers. The Government has

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communicated with counsel for all remaining trial defendants,<sup>1</sup> and they all join in this request.

Please do not hesitate to contact us with any questions.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:



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cc: James Neuman, Esq., counsel to Juan Arellano (by ECF and email)  
Russ Kofman, Esq., counsel to David Brend (by ECF and email)  
Patrick Joyce, Esq., counsel to David Brend (by ECF and email)  
Edward Sapone, Esq., counsel to Gustavo Rodriguez (by ECF and email)

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<sup>1</sup> Because Mr. Joyce expects to represent Brend at trial, the Government communicated with Mr. Joyce about this request.